

Right of Way

3b - Right of Way Design

How do you identify who owns or has an interest in the land you acquire?

The main sources of land ownership information (title information) are the public records contained in the county courthouses of each county. The LPA, by following the process noted in the Right of Way Acquisition Guide for Local Public Agencies, will research the records and identify the documents affecting each piece of property being acquired. From these documents the ownership of each property can be determined.

What do you do with the title information after obtaining it from the public records?

Ownership data, land line and property line ties are assembled and added to construction plans. In liaison with the LPA Consulting Engineer, right of way requirements are studied and the limits of tracts to be acquired are established. Access control designations are checked to assure intended service.

How do you determine how much right of way will be necessary?

Construction plans carry the limits of construction for grading operations and also for special items such as culvert extensions, channel cleanouts, driveways, sidewalks, retaining walls, back slopes and fill slopes, removal of improvements, and so on.

Careful consideration is given to the requirements in each situation as to whether title to the land is required or an easement or some other right is sufficient to provide for the work to be performed. In the establishment of the limits of right of way to be taken in fee, consideration shall be given not only to limits of construction but also to:

- minimum widths adopted by the Department,
- uniformity in widths but avoiding excessive requirements,
- the type of land being acquired, the owner's operation being affected,
- proximity of improvements, and
- the values of the improvement and property served by the improvement.

Temporary construction easements are usually sufficient to permit the removal and replacement of items such as private sidewalks, steps, and driveways. Temporary easements are also adequate for gradual back-slopes in residential areas. To insure proper support for a fill section, a permanent easement is usually advisable. In general, if future State maintenance may be required, the easement needs to be permanent. However, if some degree of control is not necessary following construction, the easement may be for the construction operation only.